

REMARKS

Claims 1-6, 13-16, and 18-20 have been rejected. Claims 7-12 and 17 have been objected to, but are identified as allowable. Claims 1, 4, 5 and 6 have been canceled. Claims 21-27 have been added. Claims 2-27 are currently pending.

At item 2 of the Office Action, the Office has rejected claims 1, 13, and 20 stating that all instances of “adapted to” or adapting in each of the claims should be deleted to make the claim positive per MPEP 2106. It is respectfully disagreed that MPEP 2106 requires this change. MPEP 2106 states, in part:

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

There has been no showing by the Office that the use of the terms “adapted to” or “adapting”, as used in the objected claims, suggests or makes optional any limitations of the claims. Absent such a showing, the objection to the claims is improper and its removal is respectfully requested to be removed.

At item 4 of the Office Action, the Office states that no patentable weight has been given to the term “DECT processor”. Without prejudice or disclaimer, the term has been replace with “processor”.

At items 3-4 of the Office Action, independent claims 1, 13, and 20 are rejected under § 102. At item 8 of the Office Action, claims 7-12 and 17 have been identified as being allowable. Claim 7 has been rewritten as an independent claim to contain all of its original limitations. In addition, claim 7 has been amended to broaden its original scope by at least the following: 1) incorporating a similar, but broader, limitation from claim 17; 2) replacing the term "DECT baseband processor" with "processor". The word "preferably" has been removed. Those claims previously depending from claim 1 have been amended to depend from claim 7. Claim 7 has been rewritten to overcome the objection put forth by the Office. Its allowance, and the allowance of its dependent claims, is respectfully requested. Claims 1, and 4-6 have been canceled without prejudice or disclaimer. For example, it is believed that the use of sixteen time slots is not obvious given Haartsen.

Claim 17 has allowable subject matter identified by the Office. Claim 17 has been rewritten as an independent claim to overcome objections of the Office and is now believed to be in condition for allowance. Claims 13-16 have been canceled without prejudice or disclaimer. Likewise, claims depending from claim 17 are in condition for allowance.

Claims 20 has been modified to include material identified by the Office as allowable, and is believed novel. Allowance of claim 20 is solicited.

New claims 21-27 have been added and are believed to include subject matter identified by the Office as allowable.

Applicant(s) respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

A call to the below listed Attorney of Record, should the Examiner deem that any further action by the Applicant(s) would be desirable for placing this application in even better condition for issuance.

Respectfully submitted,

12-14-03
Date

J. Gustav Larson
J. Gustav Larson, Reg. No. 39,263
Attorney for Applicant(s)
TOLER, LARSON & ABEL, L.L.P.
P.O. Box 29567
Austin, Texas 78755-9567
(512) 327-5515 (phone)
(512) 327-5452 (fax)